REMARKS

The Office Action of July 17, 2006 has been carefully reviewed, and the telephonic interview of October 16, 2006 has been carefully considered. Applicant thanks the Examiner for the interview granted to Attorney Kathleen Chapman on October 16, 2006, during which several claims were discussed. This response addresses the concerns stated in the Office Action and the telephonic interview. All objections and rejections are respectfully traversed.

I.   STATUS OF THE CLAIMS

Claims 1-4 and 6-58 are pending in the application.

Dependent claim 5 has been previously cancelled.

Dependent claims 2, 24, 29, 42, 43, 47, and 54 have been amended to further define the invention. Support for the amendments can be found in Applicant's Specification, page 12, lines 17-18, and page 27, lines 15-24. No new matter has been added.

Claims 1-4, 6-19, 21-39, and 41-57 are rejected under 35 U.S.C. § 102(e) as being anticipated by Goldszmidt et al, United States Patent Number 6,195,680, issued on February 27, 2001 (Goldszmidt).

Dependent claims 20 and 40, which depend on independent claims 1 and 27, are rejected under 35 U.S.C. § 103(a) as being unpatentable over Goldszmidt in view of Wolf et al., United States Patent Number 6,374,297, issued April 16, 2002 (Wolf).

No rejection is stated for claim 58, therefore Applicant assumes that claim 58 has been allowed.

II.   REJECTIONS UNDER 35 USC § 102(e)

On pages 2-9, paragraphs 2-3, the Office Action states that claims 1-4, 6-19, 21-39, and 41-57 are rejected under 35 U.S.C. § 102(e) as being anticipated by Goldszmidt.

Applicant respectfully points out that "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628 (CAFC, 1987), M.P.E.P. § 2131. As provided by the remarks set forth below, clearly this is not the case with the present rejection of the claims.

With respect to independent claim 1, it is submitted that Goldszmidt does not anticipate Applicant's claimed steps which result in communicative couplings between network elements and gateways, between gateways and gateway monitoring systems, and between gateway monitoring systems and a central management system, as depicted in Applicant's FIG. 6, reference numbers 609-614 and 617-619 (network elements), reference numbers 606, 607, 615, and 616 (gateways), reference numbers 603 and 604 (gateway monitors), and reference number 202 (central management system), because Goldszmidt's system does not include four distinct types of components but only three: a client, a control server, and streaming servers. In particular, there is no equivalent in Goldszmidt for Applicant's claimed gateway monitoring system which monitors the plurality of distributed gateways, detects failure in the distributed gateways, and notifies the central management system of the detected failure.

It is further submitted, with respect to independent claim 1, that Goldszmidt does not anticipate Applicant's claimed step of recovering, by the central management system, management of the one or more network elements for which the failed one of the plurality of distributed gateways had management responsibility because nowhere does Goldszmidt transfer *management responsibility* under any circumstances. Applicant defines management responsibility to include such activities as responding to a particular trap message or polling network elements (Applicant's Specification, page 16, lines 22-27). Goldszmidt does not anticipate Applicant's claimed "assigning *management responsibility* [for the one or more network elements] to at least one other of the plurality of distributed gateways" (Applicant's claim 1) because, in Goldszmidt, the only possible entities that could have management

responsibility, i.e. the client and the control server, are not related either to each other or to another entity such that an assignment of management responsibility could take place. There is no entity in Goldszmidt that assigns Goldszmidt's client the task of, for example, detecting if the streaming server dips below a certain bit rate, but in fact Goldszmidt's client initiates and controls its communication with the streaming server. Likewise, there is no entity in Goldszmidt that assigns Goldszmidt's control server the task of, for example, monitoring the streaming servers, but in fact Goldszmidt's control server is the only entity in Goldszmidt's system that performs that function, so that there are no other control servers from which an assignment could occur.

It is submitted that since Goldszmidt does not anticipate and/or make obvious each and every step of Applicant's independent claim 1, Applicant's independent claim 1, as well as dependent claims 2-26, and 58 that depend, either directly or indirectly, therefrom and that further define the invention, are not anticipated by Goldszmidt, and a rejection under 35 U.S.C. § 102(e) is inappropriate. Applicant asserts that independent claim 1, as well as dependent claims 2-26, and 58 that depend, either directly or indirectly, therefrom and that further define the invention, are now in condition for allowance. Applicant respectfully requests the withdrawal of rejections under 35 U.S.C. § 102(e) (and 35 U.S.C. 103 (a)) with regards to dependent claim 20) for the reasons set forth above. Furthermore, a 35 U.S.C. § 103 rejection of these claims would be inappropriate as well. Applicant's claimed invention is not an obvious extension of the use of Goldszmidt to meet Applicant's patentable limitations.

To further Applicant's position of the patentability of dependent claims 2-4, 6-19, 21-26, and 58, which, it is submitted, are patentable by virtue of their dependence upon allowable independent claim 1, Applicant notes the following.

With respect to dependent claims 2 and 24, it is submitted that Goldszmidt does not anticipate Applicant's claimed functionality of translating from one protocol utilized by one network element to another protocol utilized by another network element because Goldszmidt does not disclose any equivalent protocols that would require translation, for example, CMIP and SNMP (Applicant's Specification, page 12, lines 17-18). Protocol translation requires steps such as mapping protocol elements from one protocol to another, and reformatting packets with the mapped protocol elements, none of which Goldszmidt discloses.

Goldszmidt states protocols which are built upon each other and can coexist without translation such as TCP/IP and RTP in combination with UDP (Goldszmidt, col. 2, lines 7-11, and col. 10, lines 11-14) or TCP/IP in combination with HTML (Goldszmidt, col. 13, lines 24-25), but Goldszmidt does not state protocols that require translation from one to the other. For these reasons, Goldszmidt cannot anticipate Applicant's dependent claims 2 and 24.

It is submitted that dependent claims 3 and 4 are allowable at least by virtue of their direct or indirect dependence upon allowable independent claim 1.

With respect to dependent claim 6, it is submitted that Goldszmidt does not anticipate Applicant's claimed functionality of polling distributed gateways because Goldszmidt's failure detection includes monitoring the effective bit rate of the stream (Goldszmidt, col. 9, lines 11-12), the effective frame rate, a bite rate or sample rate, the delivery rate, or packets arriving out of order (Goldszmidt, col. 14, lines 26-34), which are passive failure detection methods suitable for streaming data. On the contrary, Applicant claims polling which is active failure detection, not typically suitable for detecting errors in streaming data. Applicant's claimed polling for failure detection involves sending a request from the gateway monitoring system to the gateways and determining if a response is timely or ever received. Goldszmidt does not anticipate failure detection by polling because Goldszmidt's bit rate sampling and packet order tracking do not perform the same function as polling, i.e. periodically sending a request from the gateway monitoring system to the gateways in order to detect failure. Further, in a streaming system such as Goldszmidt's there is no need for Applicant's claimed polling to detect failure because failure is detected simply by the lack of incoming data at a particular rate or in a particular sequence. There is no need to request data, as would be done in a polling session, to detect if a streaming server has failed. For these reasons, it is submitted that Goldszmidt cannot anticipate Applicant's dependent claim 6.

It is submitted that dependent claim 7 is allowable at least by virtue of its dependence upon allowable independent claim 1.

With respect to dependent claims 8, 9, 15, 18, and 21, it is submitted that Goldszmidt does not anticipate Applicant's claimed functionality of determining, assigning, assuming, allocating, or distributing management activities for which a detected failed gateway is

responsible because, as stated previously, there is no equivalent component to Applicant's gateway that is managing network elements, and thus no management activities that a failed gateway is performing. Goldszmidt's streaming servers do not perform management activities because they simply receive data requests from the client and supply data. Since, in the system of Goldszmidt, the streaming servers are the only components for which failure is detected, and since Goldszmidt's streaming servers do not perform Applicant's claimed management activities, it is submitted that Goldszmidt cannot anticipate Applicant's dependent claims 8, 9, 15, 18, and 21.

It is submitted that dependent claim 10 is allowable at least by virtue of its dependence upon allowable independent claim 1.

With respect to dependent claim 11, it is submitted that Goldszmidt does not anticipate Applicant's claimed available gateways that are local to the detected failed gateway because, (1) Goldszmidt's grouping streaming servers into disjoint sets where the replacement server is chosen from a different set from the failed server (col. 7, line 62 – col. 8, line 2) indicates that Goldszmidt's replacement streaming server is not selected locally with the failed streaming server, and (2) Goldszmidt does not state any limitation such as "local" or "remote" on any component in the system. For these reasons, it is submitted that Goldszmidt does not anticipate Applicant's dependent claims 11.

It is submitted that dependent claims 12-14, 16, 17, 19, 20, 22, 23, 25, and 26 are allowable at least by virtue of their direct or indirect dependence upon allowable independent claim 1.

It is submitted that dependent claim 58 is allowed since no rejection was stated for dependent claim 58.

In summary, with respect to dependent claims 2-4, 6-26, and 58, for at least the reasons stated above, as well as by virtue of their dependency upon allowable independent claim 1, it is submitted that Goldszmidt does not anticipate Applicant's dependent claims 2-4, 6-26, and 58. Since Goldszmidt does not anticipate each and every element of Applicant's dependent claims 2-4, 6-26, and 58, either expressly or inherently, a rejection under 35 U.S.C. § 102(e) is inappropriate. Applicant asserts that dependent claims 2-4, 6-26, and 58 are now in condition for allowance. Applicant respectfully requests the withdrawal of rejections under 35 U.S.C. § 102(e) with regards to dependent claims 2-4, 6-26, and 58 for

the reasons set forth above. Furthermore, it is submitted that a rejection under 35 U.S.C. § 103 of these claims would be inappropriate as well. Applicant's claimed invention is not an obvious extension of the use of Goldszmidt to meet Applicant's patentable limitations.

With respect to independent claims 27 and 44, it is submitted that Goldszmidt does not anticipate Applicant's claimed set of components – network elements, gateways, gateway monitoring system, and management recovery system – performing the functions that Applicant claims, i.e. gateways managing the network elements, gateway monitoring system detecting gateway failure, and management recovery system or central management system for recovering management of network elements for which a failed gateway had responsibility, because, as stated previously, Goldszmit's system does not include four distinct types of components but only three: streaming servers, a control server, and a client. To start with, Goldszmidt's streaming servers (see Office Action, page 6, last line – "servers 1.2 and 1.3 could be gateways" analogizing Goldszmidt's streaming servers to Applicant's claimed distributed gateways) do not anticipate Applicant's claimed plurality of distributed gateways responsible for managing one or more network elements because streaming servers 1.2 and 1.3 simply receive requests from the client and provide data to the client (Goldszmidt, col. 5, lines 55-59), performing no management-type activities such as responding to trap messages or polling network elements. Further, Goldszmidt's control server does not anticipate Applicant's claimed plurality of distributed gateways because there is no equivalent to Applicant's claimed gateway monitoring system or function that detects failures of distributed gateways in Goldszmidt to which Goldszmidt's control server could be communicatively coupled, as Applicant has claimed. Further, Goldszmidt's client does not anticipate Applicant's claimed plurality of distributed gateways because, while the client performs functions such as (1) informing Goldszmidt's control server that it has failed to receive data from the streaming server (Goldszmidt, col. 7, lines 29-34) and (2) connecting with a new streaming server based on information from the control server (Goldszmidt, col. 7, lines 34-37), the client does not perform the actual management of either the control server or the streaming servers.

It is further submitted that, with further reference to independent claims 27 and 44, Goldszmidt's streaming servers do not anticipate Applicant's claimed gateway monitoring system that detects failures in distributed gateways because streaming servers 1.2 and 1.3 simply receive requests from the client and provide data to the client (Goldszmidt, col. 5,

lines 55-59), but perform no failure detection whatsoever because the client detects failures (Goldszmidt, col. 3, lines 18-19). Further, Goldszmidt's control server (see Office Action, page 7, fourth line – "1.1 fig 1a" analogizing Goldszmidt's control server to Applicant's claimed gateway monitoring system) does not anticipate Applicant's claimed gateway monitoring system because (1) Goldszmidt discloses no equivalent component to Applicant's claimed gateway monitoring system, and (2) Goldszmidt's control server does not detect failures of distributed gateways, but instead monitors Goldszmidt's streaming servers, which themselves do not anticipate Applicant's claimed gateways that manage network elements, but simply provide data upon the request of the client (Goldszmidt, col. 3, lines 35-40). Further, Goldszmidt's client does not anticipate Applicant's claimed gateway monitoring system because Goldszmidt's client is not coupled with any component that performs the function of Applicant's claimed distributed gateways that manage network elements (see Office Action, page 3, line 7 – "client 1.8 could be multiple clients" analogizing Applicant's network elements to Goldszmidt's clients), and therefore the client cannot perform Applicant's claimed function of detecting failure of the distributed gateways which monitor network elements.

It is still further submitted that, with reference to independent claims 27 and 44, Goldszmidt's system (see Office Action, page 7, line 12 – "detecting failure of a streaming server and switching the client agent to an alternate streaming server") does not anticipate Applicant's claimed management recovery system that recovers management of network elements after a gateway has failed because (1) Goldszmidt's system does not contain a mechanism for management of network elements, and (2) Goldszmidt's system does not contain a mechanism for detecting a failed gateway that manages network elements.
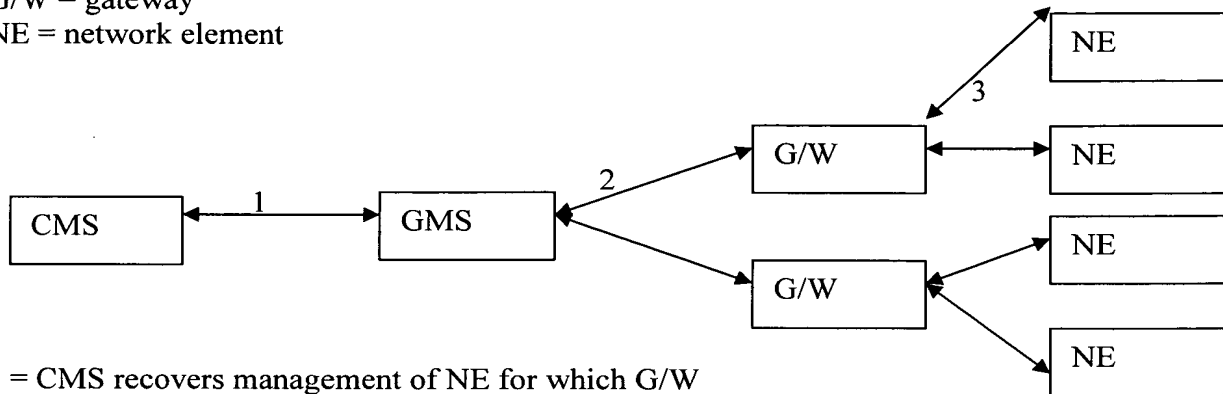
Applicant's claimed invention can be depicted graphically as follows:

CMS = management recovery system or central management system
GMS = gateway monitoring system
G/W = gateway
NE = network element

1 = CMS recovers management of NE for which G/W
        had responsibility
2 = GMS detects failure of G/W
3 = G/W manages NE

Goldszmidt's system can be depicted graphically as follows:

CS = control server	1 = client informs CS that SS is no longer sending data
SS = streaming server	2 = CS sends client new SS ID
3 = client sends SS ID	4 = SS sends client data
5 = CS monitoring SS	6 = SS response to monitoring
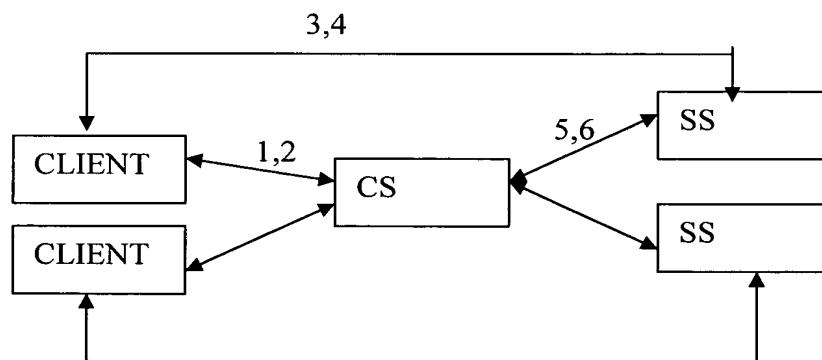
It is submitted that the above diagrams show clearly that Goldszmidt does not anticipate Applicant's claimed system because Goldszmidt discloses neither the same components nor the same functionality as Applicant's independent claims 27 and 44. For these reasons, Goldszmidt does not anticipate Applicant's independent claims 27 and 44.

It is submitted that since Goldszmidt does not anticipate and/or make obvious each and every element of Applicant's independent claims 27 and 44, Applicant's independent claims 1 and 27, as well as dependent claims 28-43 and 45-57 that depend, either directly or indirectly, therefrom and that further define the invention, are not anticipated by Goldszmidt, and a rejection under 35 U.S.C. § 102(e) is inappropriate. Applicant asserts that independent claims 1 and 27, as well as dependent claims 28-43 and 45-57 that depend, either directly or indirectly, therefrom and that further define the invention, are now in condition for allowance. Applicant respectfully requests the withdrawal of rejections under 35 U.S.C. § 102(e) (and 35 U.S.C. 103 (a)) with regards to dependent claim 40) for the reasons set forth above. Furthermore, a 35 U.S.C. § 103 rejection of these claims would be inappropriate as well. Applicant's claimed invention is not an obvious extension of the use of Goldszmidt to meet Applicant's patentable limitations.

To further Applicant's position of the patentability of dependent claims 28-43 and 45-57, which, it is submitted, are patentable by virtue of their dependence upon allowable independent claims 27 and 44, Applicant notes the following.

With respect to dependent claims 28, 32, 33, 37, 39, 45, 50, 51, and 55, it is submitted that Goldszmidt does not anticipate Applicant's claimed functionality of determining, assigning, assuming, allocating, or distributing management activities for which a detected failed gateway is responsible for the reasons stated above with respect to claims 8, 9, 15, 18, and 21, namely, because, as stated previously, there is no equivalent component to Applicant's gateway that is managing network elements, and thus no management activities that a failed gateway is performing. For this reason, it is submitted that Goldszmidt cannot anticipate Applicant's dependent claims 28, 32, 33, 50, and 51.

With respect to dependent claims 29, 36, 47, and 54, it is submitted that Goldszmidt does not anticipate Applicant's claimed functionality of translating from one protocol utilized by one network element to another protocol utilized by another network element for the

reasons stated above with respect to dependent claims 2 and 24, namely that Goldszmidt does

not disclose any equivalent protocols that would require translation, for example, CMIP and

SNMP (Applicant's Specification, page 12, lines 17-18). For this reason, Goldszmidt cannot

anticipate Applicant's dependent claims 29, 36, 47, and 54.

It is submitted that dependent claim 30 is allowable at least by virtue of its direct or

indirect dependence upon allowable independent claim 27.

With respect to dependent claims 31 and 48, it is submitted that Goldszmidt does not

anticipate Applicant's claimed functionality of polling distributed gateways for the reasons

stated above with respect to claim 6, namely because Goldszmidt's failure detection includes

monitoring the effective bit rate of the stream (Goldszmidt, col. 9, lines 11-12), the effective

frame rate, a bite rate or sample rate, the delivery rate, or packets arriving out of order

(Goldszmidt, col. 14, lines 26-34), which are passive failure detection methods suitable for

streaming data. For this reason, it is submitted that Goldszmidt cannot anticipate Applicant's

dependent claims 31 and 48.

It is submitted that dependent claim 34 is allowable at least by virtue of its direct or

indirect dependence upon allowable independent claim 27.

With respect to dependent claims 35 and 53, it is submitted that Goldszmidt does not

anticipate Applicant's claimed available gateways that are local to the detected failed

gateway as stated above with respect to claim 11, namely, because, (1) Goldszmidt's

grouping streaming servers into disjoint sets where the replacement server is chosen from a

different set from the failed server (col. 7, line 62 – col. 8, line 2) indicates that Goldszmidt's

replacement streaming server is not selected locally with the failed streaming server, and (2)

Goldszmidt does not state any limitation such as "local" or "remote" on any component in the

system. For these reasons, it is submitted that Goldszmidt does not anticipate Applicant's

dependent claims 35 and 53.

It is submitted that dependent claims 38 and 40 are allowable at least by virtue of their

direct or indirect dependence upon allowable independent claim 27.

With respect to dependent claim 41, it is submitted that Goldszmidt does not

anticipate Applicant's claimed user interface for alerting a user of said detected failed

gateway because (1) Goldszmidt discloses no component with the functionality of

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Applicant's claimed gateway, and (2) Goldszmidt's sole use of a user interface is to provide the user with the opportunity, at the client, to switch streaming servers based on the subjective evaluation of the streaming output presented to the user (Goldszmidt, col. 10, lines 21-27), not a failure of the streaming server. In this case, the streaming server has not failed because data are still arriving at the client. Thus, Goldszmidt's user is specifically *not* presented with an alert of a detected failed server. For this reason, Goldszmidt cannot anticipate Applicant's claim 41, and the rejection of claim 41 under 35 U.S.C. § 102(e) should be withdrawn.

With respect to amended dependent claims 42 and 43, it is submitted that Goldszmidt does not anticipate Applicant's claimed user interface that enables a user to predefine, before the gateway monitoring system detects a failed gateway, a gateway or criteria to be used in recovering management of network elements because Goldszmidt's sole use of a user interface is to provide the user with the opportunity, at the client, to switch streaming servers based on the subjective evaluation of the streaming output presented to the user (Goldszmidt, col. 10, lines 21-27). Applicant claims a user interface that enables pre-defining, while Goldszmidt, on the contrary, states that a change is made through a user interface while the system is operational as a result of an evaluation of current incoming data. Applicant claims predefining before a failure occurs, not when a failure is occurring, or after a failure occurs. For this reason, it is submitted that Goldszmidt cannot anticipate Applicant's dependent claims 42 and 43.

It is submitted that dependent claims 46, 49, 52, 56, and 57 are allowable at least by virtue of their direct or indirect dependence upon allowable independent claim 44.

In summary, with respect to dependent claims 28-43 and 45-57, for at least the reasons stated above, as well as by virtue of their dependency upon allowable independent claims 27 and 44, it is submitted that Goldszmidt does not anticipate Applicant's dependent claims 28-43 and 45-57. Since Goldszmidt does not anticipate each and every element of Applicant's dependent claims 28-43 and 45-57, either expressly or inherently, a rejection under 35 U.S.C. § 102(e) is inappropriate. Applicant asserts that dependent claims 28-43 and 45-57 are now in condition for allowance. Applicant respectfully requests the withdrawal of rejections under 35 U.S.C. § 102(e) with regards to dependent claims 28-43 and 45-57 for the reasons set forth above. Furthermore, it is submitted that a rejection under 35 U.S.C. § 103 of

these claims would be inappropriate as well. Applicant's claimed invention is not an obvious extension of the use of Goldszmidt to meet Applicant's patentable limitations.

III.   REJECTIONS UNDER 35 USC § 103

On pages 8-9, paragraphs 4-5, the Office Action rejects dependent claims 20 and 40, which depend on claims 1 and 27 respectively, under 35 U.S.C. § 103(a) as being unpatentable over Goldszmidt in view of Wolf. These claims are patentable for the same reasons provided above with respect to independent claims 1 and 27, and in addition they are patentable for the further reasons stated below.

In order for a rejection under 35 U.S.C. §103 to be sustained, the Office Action must establish a prima facie case of obviousness. As pointed out in MPEP § 2142, one of the three criteria to establish a prima facie case of obviousness is that the prior art reference(s) must teach or suggest all the claim limitations. To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the reference itself or in the knowledge generally available to one of ordinary skill in the art, to modify the reference. Second, there must be a reasonable expectation of success. Finally, the prior art reference must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in Applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). Further, obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art.

Applicant reiterates the argument made in the previous Office Action response, but which was not acknowledged in the current Office Action.

With respect to dependent claims 20 and 40, it is submitted that Goldszmidt fails as a reference under 35 U.S.C. § 103 for the same reasons recited above with respect to the 35 U.S.C. § 102 rejection. Therefore, it is submitted that Goldszmidt does not make obvious Applicant's invention for the reasons stated above. Further, it is submitted that the

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combination of Goldszmidt and Wolf do not disclose or suggest Applicant's claimed performing load balancing according to a greedy algorithm in distributing the management activities to the available gateways because neither Goldszmidt nor Wolf discloses distributing management activities.

With further reference to the rejection of claims 20 and 40, it is submitted that Goldszmidt and Wolf are not combinable because to combine them would render Goldszmidt unsatisfactory for its intended purpose. The MPEP § 2143.01(V) states that, when combining references, if the proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to combine the references (*In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984). In Goldszmidt, the clients request a server by ID number based on IDs that were provided to the client by the control server. In Wolf, customers (Goldszmidt's clients) are assigned to servers by a load controller. Thus, the proposed modification to Goldszmidt of adding the teachings of Wolf would cause Goldszmidt to become unsatisfactory for its intended purpose because Goldszmidt requires a client to detect a failure and request a new server, whereas if Wolf were added to Goldszmidt, when a client of Goldszmidt automatically failed over to the alternate server it was provided the ID of when it first requested a server, Wolf's assignment by routing probabilities could cause another requesting client to overload the alternate server. Further, Wolf states that the set of all servers to which a particular web site is assigned is a cluster (Wolf, col. 1, lines 64-66), and that clusters can overlap so that more than one web site can be assigned to a server. The sets of servers as defined by Goldszmidt are disjoint, as stated previously, whereas Wolf's clusters can overlap. In Goldszmidt, the primary and alternate IDs point to servers that are in mutually exclusive sets. The server grouping and assignment mechanisms in Goldszmidt and Wolf would not operate compatibly, and thus Goldszmidt would become unsatisfactory for its intended use.

With further reference to the rejection of claims 20 and 40, it is submitted that the MPEP § 2143.01(VI) states that if the proposed combination would change the principle of operation of the prior art, then the teaching cannot render the claims prima facie obvious (*In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959)). Applicant asserts that the proposed combination of Goldszmidt with Wolf would change the principle of operation of Goldszmidt because Goldszmidt is designed to allow the client to automatically switch from one server set to another mutually exclusive server set when the client detects a failure in the first server

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set, whereas Wolf's servers are grouped according to web site affinity, and the groups (clusters) are designed to overlap.

Because Goldszmidt and Wolf combined do not teach or suggest all the claim limitations of Applicant's claims 20 and 40, and because Goldszmidt and Wolf are not combinable, Applicant's dependent claims 20 and 40 are not made obvious by Goldszmidt and Wolf, and a rejection under 35 U.S.C. § 103(a) is inappropriate. Applicant asserts that dependent claims 20 and 40 are now in condition for allowance. Applicant respectfully requests the withdrawal of the rejection under 35 U.S.C. § 103(a) with regards to dependent claims 20 and 40 for the reasons set forth above.

IV.   CONCLUSION

Independent claims 1, 27, and 44 are believed to be in condition for allowance for the reasons provided herein. All dependent claims, 2-4, 5-26, 28-43, and 45-58, are also allowable for the reasons presented above, and further because they depend upon allowable independent claims, and are therefore also in condition for allowance. In particular, since no rejection was stated for dependent claim 58, it is considered to be allowable.
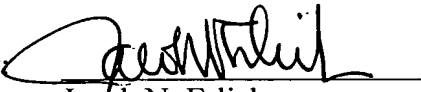
Although no new fees are anticipated, the Director of Patents and Trademarks is authorized to charge any fees or credit overpayment, to Deposit Account No. 50-1078.

The following information is presented in the event that a call may be deemed desirable by the Examiner:

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Respectfully submitted,
Semih Secer, Applicant

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